



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.7928 of 2021

WEB COPY

K.Uma Maheswari

... Petitioner

vs.

1.The Director of Medical Education,
Kilpak,
Chennai - 10.

2.The Dean,
K.A.P Viswanathan Medical College,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner as Junior Assistant on compassionate ground upon the death of the husband of the petitioner.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus, directing the respondents to appoint the petitioner as Junior Assistant on compassionate ground upon the death of the husband of the petitioner.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondents.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, her husband was working as a Senior Assistant Professor at K.A.P Viswanatham Medical College, Trichy. While he was in service, died on 28.06.2012. Hence, the petitioner submitted an application before the second respondent on 04.09.2012, seeking for an appointment to the post of Junior Assistant on compassionate ground. The second respondent forwarded the said application to the first respondent and the first respondent vide proceedings in Ref.No.70692/ E2/4/2013, dated 10.10.2014, stated that her name was entered in the seniority list to the post of Junior Assistant on compassionate grounds and it will take some more time to consider the same. On 07.01.2019, the second



respondent called the petitioner and stated that she could take up the post of Office Assistant. Hence, the petitioner sent a representation, dated 08.01.2019 to the second respondent seeking for an appointment to the post of Junior Assistant on compassionate ground, since she had completed M.A (Economics). So far no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6.From the materials available on record, it is seen that the request of the petitioner for appointing her as Junior Assistant on compassionate ground sent on 04.09.2012, was registered by the first respondent, by proceedings in Serial No.379 and the first respondent informed the same to the second respondent and also marked the copy to the petitioner. On 07.01.2019, the second respondent called the petitioner and asked her whether she is willing to accept the appointment to the post of Office Assistant. The petitioner's husband was working as a Senior Assistant Professor and the petitioner is a M.A graduate is entitled to appointment on compassionate ground in consonance with employment of her husband and her educational qualification. The first respondent having registered the petitioner's request for the post of Junior Assistant in the year 2014 itself for appointing her as Junior Assistant, it is not correct in offering the post of Office Assistant.

7.In such circumstances, the first respondent is directed to consider the representation of the petitioner, dated 04.09.2012 and pass orders, as per the earlier proceedings, dated 10.10.2014 and give appointment to the petitioner to the post of Junior Assistant within a period of four weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition is allowed. No costs.

Sd/-

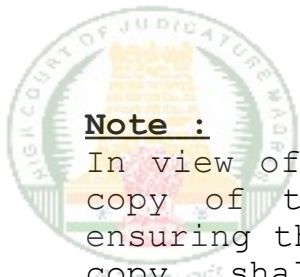
Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

WEB COPY

To

1.The Director of Medical Education,
Kilpak,
Chennai - 10.

2.The Dean,
K.A.P Viswanathan Medical College,
Trichy.

+1 CC to M/s.SPL GP (SR-16523[F] dated 19/04/2021)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-16181[F] dated 17/04/2021)

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